IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 26497 of 2007(D)

EP.1/2006 of II ADDL.DISTRICT COURT,ERNAKULAM

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PETITIONER:

V.N.REJI, AGED 37, S/O NARAYANAN KUTTY,
VALLAYIL HOUSE, CHITHRAPUZHA, IRUMPANAM,
PRESENTLY RESIDING AT VALLAYIL HOUSE,
NEAR CHOTTANIKKARA DEVI TEMPLE, CHOTTANIKKARA.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
SMT.THANKOM.G
SRI.E.M.MURUGAN

RESPONDENT:

K.K.SUNDARAM, AGED 40,
S/O.KUNJAN ACHARI, KOCHUKARIPAL BUILDINGS,
KARIMUGHAL, PUTHENCRUZ VILLAGE,
KUNNATHUNADU TALUK, PRESENTLY RESIDING AT
NJARAVELIL HOUSE, TEMPLE ROAD, KADAVANTHRA,
ERNAKULAM DISTRICT.

BY ADV. SRI.G.RAJAGOPAL
SRI.THOMAS M.JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Appendix

Petitioner's Exts:

Ext.P1 A true photostat copy of EP No.1/2006 filed by him before the II Addl. District Court at Ernakulam.

Ext.P2 A true photostat copy of the judgment in WP(C) No.19485/2007 passed by this Honourable Court.

Ext.P3 A true photostat copy of the RP No.727/2007 in WP(C) 19485/2007 passed by this Honourable Court.

Ext.P4 A true photostat copy of the order dated 31.7.2007 in RP No.727/2007.

Ext.P5 A true photostat copy of the balance statement.

Ext.P6 A true photostat copy of the order in EP 1/2006 dated 16.8.2007.

M.N.Krishnan, J.

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W.P(C).No.26497 of 2007

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Dated this the 4th day of October, 2007.

JUDGMENT

This Writ Petition is preferred against the order, Ext.P6. This Court by Ext.P2 judgment directed the writ petitioner to pay a sum of Rs.50,000/- to the decree holder or his Advocate on or before 10.7.2007. Then this Court directed that balance decree amount to be paid in three equal monthly instalments commencing from 10.8.2007 and ending on 10.10.2007. Even the first instalment was not paid as directed and there was an attempt to get that order reviewed, which was dismissed by me. At least thereafter, the writ petitioner paid Rs.50,000/- into the hands of the decree holder. Thereafter, since there is no specific direction that it has to be paid to the Advocate or to the decree holder it was deposited before the court and that amount is in deposit now. I do not want to comment anything on the attitude of the writ petitioner in W.P.(C) No.19485 of 2007 for the

reasons that the court is more concerned with the implementation of justice rather than individual understanding of matters by the parties.

2. I heard learned counsel for the respondent in this Writ Petition and it is submitted and admitted that there is no objection for them in withdrawing of the amount by the decree holder.

3. Therefore, I dispose of this Writ Petition with a direction to the concerned court to disburse the amount in deposit to the decree holder on proper application.

M.N.Krishnan,
Judge.

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